

INSTRUCTIONS FOR COMPLETING THE PETITION FOR CHILD CUSTODY ORDER

Use this form only if:

1. There is an no other existing child custody order from the Hoopa Valley Tribal Court or any other state or tribal court.
2. You believe that you have a right to participate in the court action based on your relationship to the child (children); and,
3. You want to ask the court to issue a custody order and have a good reason for making the request.

DIRECTIONS: When completing the form for a Petition for a Child Custody Order, be sure to fill in the blanks, and sign and date the form. The following will help you fill in the blanks that are preceded with **/#/'s**.

/# 1/ Leave this space blank. The Court Clerk will fill in the case number after you return the form to the court.

/# 2/ Fill in the names of the child or children and next to each name fill in the child's date of birth.

/# 3 / Fill in your legal name(s).

/# 4 / Fill in the legal name of parents. If you are the child(ren)'s mother or father, fill in the name of the other parent.

/# 5 / Fill your name(s).

/# 6/ Explain your relationship to the child – (for example: father, mother, step-father, maternal uncle, paternal aunt, cousin, brother, etc.)

/# 7 / Fill in your home address (physical location and not your post office box) and telephone number.

/# 8 / Fill in the name of the child(ren)'s biological/natural mother. Next, put an "X" next to each statement that applies. Leave the other's blank.

/# 9 / Fill in the mother mailing address (Post Office Box, if applicable) and telephone number.

/#10 / Fill in the legal name of the child(ren)'s biological/natural father. Next, put an "X" next to each statement that applies.

/# 11/ Fill in the father's mailing address (Post Office Box, if applicable) and telephone number.

/#12 / Put an "X" next to each statement that applies. Then, write the reasons why the Hoopa Valley Tribe has an interest in the welfare of the child(ren) and/or in the preservation of the family in which the child(ren) is a part.

/#13 / Write a detailed factual statement explaining the circumstances that caused you to file this petition and your reasons for filing.

/# 14 / Write a statement regarding the visitation you believe the child should have with the parent(s). For example: reasonable, restricted, liberal; every week from Friday after school until Monday after school; only on Saturday between 12 noon and 5 pm.

/# 15 / Fill in this blank with the type of custody award you are requesting. Child custody is classified as two types, legal and physical. The person(s) who has legal custody makes decisions about the child(ren)'s school, religion, medical care and matters of that nature. The person who has physical custody is the person(s) with whom the child(ren) resides. Custody can be sole or joint. Joint custody means that person(s) share the responsibility. A court can award Joint Legal and Physical Custody; Sole Physical Custody and Joint Legal Custody or Sole Legal and Physical Custody. The order can be Temporary or Permanent.

---0---

DIRECTIONS continued. . . **When you have completed the form**, make a photocopy for yourself, and a photocopy for each of the Respondents. Then, bring the original and the photocopies to the Tribal Court Clerk for processing. You must pay \$25 to file the Petition. After you have filed the petition, the Court Clerk will prepare a document called a "Summons". The Court Clerk will give you a packet of papers that must be personally served to the Respondents. The packet will contain a photocopy of the petition and a Summons.

Personal Service can be accomplished in several ways. You can take the papers to the Tribal Police and they will personally serve them on the Respondent(s). There is a \$25 per person charge for this service. Or, you can get someone other than yourself to personally serve the papers. If someone other than the Tribal Police serve the papers, that person must fill out a form called a "Proof of Personal Service" and return it to the court immediately. If the Respondent lives some place other than Hoopa, you may serve the papers by sending them in the mail. They must be sent Certified Mail, Return Receipt Requested. If you use this process, you must fill out a form called a "Proof of Service by Mail" and return it to the court immediately. Also, when the Return Receipt is mailed back to you, you must bring that to the court.

If you are unable to successfully serve these papers to the Respondent, check with the Court Clerk for further information.

After the papers are personally served to the Respondent(s), the Respondent(s) will have 30 days to prepare and file an answer with the court. Thereafter, the court will set a date for a hearing.

**HOOPA VALLEY TRIBAL COURT
HOOPA, CALIFORNIA**

In re the matter of:

/# 2/

_____)

_____)

_____)

_____)

minor child(ren).

_____)

_____)

/# 3/

_____)

_____)

Petitioner(s);

_____)

_____)

vs.

_____)

/# 4/

_____)

_____)

Respondent(s)

_____)

/# 1/ CASE NO. _____

PETITION FOR
CHILD CUSTODY

COMES NOW, */# 5/* _____ and hereby

makes a requests for a Child Custody Order.

This Petition is based on the following allegations:

¶1. My/our relationship to the child(ren) is */# 6/* _____.

¶2. My/our permanent physical address and telephone number is */# 7/* _____

_____.

¶3. The child(ren)'s natural mother's name is /# 8 / _____ and she:

- _____ Resides within the exterior boundaries of the Hoopa Valley Indian Reservation.
- _____ Is employed within the exterior boundaries of the Hoopa Valley Indian Reservation.
- _____ Currently resides outside the exterior boundaries of the Hoopa Valley Indian Reservation but intends to return in the future because Hoopa is her permanent home base.
- _____ Is a member of the Hoopa Valley Indian Tribe
- _____ Is a member or eligible for membership in the _____ Tribe.
- _____ Is a non-Indian.

Her mailing address and telephone number /# 9 / _____

¶4. The child(ren)'s natural father's name is /# 10 / _____ and

he:

- _____ Resides within the exterior boundaries of the Hoopa Valley Indian Reservation.
- _____ Is employed within the exterior boundaries of the Hoopa Valley Indian Reservation.
- _____ Currently resides outside the exterior boundaries of the Hoopa Valley Indian Reservation but intends to return in the future because Hoopa is his permanent home base.
- _____ Is a member of the Hoopa Valley Indian Tribe
- _____ Is a member or eligible for membership in the _____ Tribe.
- _____ Is a non-Indian.

His mailing address and telephone number /# 11 / _____

¶5. The Hoopa Valley Tribe has an interest in the welfare of the child(ren) and/or in the preservation of the family in which the child(ren) is a part for the following reason(s):
/# 12 /

- _____ The child(ren) resides within the exterior boundaries of the Hoopa Valley Indian Reservation.
- _____ The child(ren) currently resides outside the exterior boundaries of the Hoopa Valley Indian Reservation but Hoopa is the child's (ren's) permanent home base.
- _____ The child(ren) is a member of the Hoopa Valley Indian Tribe
- _____ The child(ren) is a member or eligible for membership in the _____ Tribe.
- _____ The child(ren) is a non-Indian.

Other: _____

¶6. The care, custody and control of the child(ren) should be awarded to me/us based on the following circumstances: */# 13 /* _____

_____.

_____.

_____.

_____.

_____.

_____.

_____.

¶7. Visitation should be as follows: */# 14 /* _____

_____.

_____.

¶8. Based on the above, I request that the court issue a */# 15 /* _____

Custody Order awarding me/us care, custody and control of the child(ren) as set forth in this petition.

/# 16 / Dated: _____

Respectfully submitted,

/# 17 / _____
signature

signature

/# 18 / _____
Mailing Address

City, State, Zip Code